

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

IN RE GOOGLE INC. COOKIE  
PLACEMENT CONSUMER PRIVACY  
LITIGATION

Case No. 12-MD-2358 (JDW)

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This Document Relates to:

**All Actions**

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**PLAINTIFFS' STATEMENT REGARDING *IN RE SENSIPAR***

Pursuant to the Court’s November 9, 2023 Order (D.I. 233), Plaintiffs provide the following statement regarding developments in *In re Sensipar (Cinacalcet Hydrochloride Tablets) Antitrust Litigation* (“*In re Sensipar*”), No. 23-2213 (3d Cir.). The Court’s November 9, 2023 Order required that Plaintiffs update the Court “with the issuance of the decision and the procedural posture of *In re Sensipar* including any subsequent appeal” within 28 days of any opinion issued in that appeal. (D.I. 233 at 2.)

On May 23, 2024, the Third Circuit granted motions by appellants in *In re Sensipar* to dismiss the appeal as to all remaining claims.<sup>1</sup> A true and correct copy of the Third Circuit’s order granting the motions to dismiss is attached hereto as **Exhibit A**.

As the Third Circuit has now closed the *In re Sensipar* interlocutory appeal without deciding the issue of whether 28 U.S.C. § 1292(b) authorizes a subsequently-assigned district court judge to certify for interlocutory appeal an order entered by the previously-assigned district court judge, Plaintiffs respectfully request that the Court grant Plaintiffs’ motion for certification of interlocutory appeal (D.I. 228) of the Court’s July 10, 2023 Order denying final approval of a class settlement (D.I. 219, 220).

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<sup>1</sup> Plaintiffs also understand from a review of the district court’s docket in *In re Sensipar* that the parties entered into various stipulations of dismissal, which resulted in the case being deemed closed by the district court on April 15, 2024. The Direct Purchaser Plaintiffs subsequently filed a Notice of Appeal on May 14, 2024 with respect to the district court’s decision on a motion to dismiss certain counts alleged in plaintiffs’ complaint. (See ECF No. 306 in MDL No. 19-2895.)

Respectfully submitted,

Dated: June 11, 2024

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of June 2024, I electronically transmitted the foregoing document to the Clerk of the Court using the CM/ECF System, causing the document to be served on all counsel who are registered as electronic filers in the case.

I further certify that on this 11th day of June 2024, I caused a true and correct copy of the foregoing document to be served by First Class Mail of the United States Postal Service on Dmitrii Mudrechenko, *pro se* objector, 3155 Bluestem Drive, Unit 134, West Fargo, North Dakota 58078.

DATED: June 11, 2024

/s/ Brian R. Strange  
Brian Strange